

LONNIE JONES, )  
 )  
 Plaintiff, )  
 )  
 VS. ) No. 13-3018-JDT-dkv  
 )  
 ROBERT MUMFORD, )  
 )  
 Defendant. )

The *pro se* Plaintiff, Lonnie Jones, filed a complaint in the United States District Court for the Eastern District of Tennessee pursuant to 42 U.S.C. § 1983. (ECF No. 1.) At the time, Plaintiff was an inmate at the Morgan County Correctional Complex in Wartburg, Tennessee, but the complaint addressed his previous confinement at the West Tennessee State Penitentiary in Henning, Tennessee. Therefore, on October 9, 2013, United States District Judge Harry S. Mattice, Jr. granted leave to proceed *in forma pauperis*, assessed the civil filing fee pursuant to 28 U.S.C. §§ 1915(a)-(b), and transferred the case to this district, where the events at issue occurred. (ECF No. 4.)

On April 24, 2014, this Court issued an order that, *inter alia*, dismissed certain claims and directed that process be issued and served on the Defendant, Robert Mumford. (ECF No. 8.) Plaintiff was directed to “promptly notify the Clerk of any change of address” and warned that failure to comply “may result in the dismissal of this case without further notice.” (*Id.* at 8.)

Following service of process, Defendant Mumford moved for an extension of time in which to response to the complaint. (ECF No. 11.) The Court issued an order granting that motion on June 5, 2014. (ECF No. 12.) However, Plaintiff's copy of that order was returned as undeliverable on June 23, 2014, with "inactive" handwritten on the envelope. On July 11, 2014, Defendant filed a motion to dismiss pursuant to Fed. R. Civ. P. 41(b). (ECF No. 14.) Defendant states that the records of the Tennessee Department of Correction ("TDOC") indicate that Plaintiff was released from custody on May 20, 2014 (*see* ECF No. 14-2), yet he has not notified the Court or the Defendant of his current address.

The most basic responsibility of a litigant is to keep the Court advised of his whereabouts. Plaintiff was directed to do so in the Court's previous order but has failed to submit any change of address even though he is no longer in TDOC custody. Therefore, it appears Plaintiff has abandoned this action. Accordingly, Defendant's motion to dismiss is GRANTED, and this case is hereby DISMISSED pursuant to Federal Rule of Civil Procedure 41(b) for failure to comply with the Court's order and failure to prosecute.

Pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a), the Court CERTIFIES that an appeal would not be taken in good faith and DENIES leave to appeal *in forma pauperis*. The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE